



## FOR YOUR INFORMATION No. 240



# Constitutional History

# Historia constitucional

### Links / Vínculos

#### ***American History as seen in Congressional Documents, 1774-1873***

<http://memory.loc.gov/ammem/amlaw/lwtl.html>

1774-1789: The Struggle for Independence

1789-1812: Charting the Republic

1812-1824: Conflict and Resolution

1824-1873: Crucible of Nationhood

#### ***American National Government: an Overview***

<http://usinfo.state.gov/usa/infousa/politics/files/ang.pdf>

Power in U.S. national government is decentralized, divided, dispersed, and limited. This distribution of power derives in part from the Constitution, through limitations imposed on the government, the system of checks and balances among the three branches, and independent bases of support and authority for each branch.

#### ***Birth of the Nation: the First Federal Congress 1789-1791***

<http://www.gwu.edu/~ffcp/exhibit/p1/>

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

#### ***The Charters of Freedom "A New World is at Hand"***

<http://www.archives.gov/national-archives-experience/charters/declaration.html>

Drafted by Thomas Jefferson between June 11 and June 28, 1776, the Declaration of Independence is at once the nation's most cherished symbol of liberty and Jefferson's most enduring monument. Here, in exalted and unforgettable phrases, Jefferson expressed the convictions in the minds and hearts of the U.S. citizens.

#### ***La Constitución de Estados Unidos de América***

<http://usinfo.state.gov/usa/infousa/facts/funddocs/constes.htm>

La Constitución de Estados Unidos en español.

### ***The Constitution: an Enduring Document***

<http://usinfo.state.gov/products/pubs/outusgov/ch1.htm>

"This provision is made in a Constitution intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs." (John Marshall, Chief Justice of the U.S. Supreme Court, *McCulloch v. Maryland*, 1819.)

### ***The Constitutional Convention***

<http://usinfo.state.gov/products/pubs/constitution/convention.htm>

On May 25, 1787 the Convention formally opened in Independence Hall. Twelve states had responded to the call for the Convention. Rhode Island had refused to send delegates because it did not want the national government to interfere with Rhode Island's affairs.

### ***El constitucionalismo y las democracias en surgimiento***

<http://www.federalreserve.gov/boarddocs/testimony/2005/20050302/default.htm>

Reproducido de Temas de la Democracia, publicación electrónica del Departamento de Estado, Vol.9, No.1, marzo de 2004.

### ***Constitutions Around the World***

<http://www.constitutioncenter.org/explore/ThreePerspectivesontheConstitution/ConstitutionsAroundtheWorld.shtml>

A number of governments, starting with the Greek city-states, had customary or partially written constitutions. The U.S. states all had complete written constitutions before the Philadelphia Constitutional Convention took place. In fact, at the Philadelphia convention, many of the delegates reacted against what they saw as the flaws in the state constitutions, which had exchanged the unlimited power of the (now overthrown) King for the unlimited power of a (now elected) legislature.

### ***The Debates in the Several State Conventions on the Adoption of the Federal Constitution***

<http://memory.loc.gov/ammem/amlaw/lwed.html>

These debates remain the best source of materials about the national government's transitional period between the closing of the Constitutional Convention in September, 1787 and the opening of the First Federal Congress in March, 1789. The Constitution would take effect upon ratification by the conventions of nine of the 13 states.

### ***The Development of the Constitution***

<http://usinfo.state.gov/products/pubs/constitution/develop.htm>

The Constitution was designed to serve the interests of the people, rich and poor, Northerners and Southerners, farmers, workers, and business people. Through the years, the Constitution has been interpreted to meet the changing needs of the United States.

### ***The Federalist Papers***

<http://thomas.loc.gov/home/histdox/fedpapers.html>

The original text of *The Federalist Papers* (also known as *The Federalist*) was obtained from the text archives of Project Gutenberg.

### ***The Formation of a National Government***

<http://usinfo.state.gov/products/pubs/history/ch4.htm>

The success of the Revolution gave citizens the opportunity to give legal form to their ideals as expressed in the Declaration of Independence, and to remedy some of their grievances through state constitutions. As early as May 10, 1776, Congress had passed a resolution advising the colonies to form new governments "such as shall best conduce to the happiness and safety of their constituents." Some of them had already done so, and within a year after the Declaration of Independence, all but three had drawn up constitutions.

### ***The Making of the U.S. Constitution***

<http://memory.loc.gov/ammem/amlaw/ac001/lawpres.html>

Transcription of the Introduction and the text of the U.S. Constitution, as originally adopted, from the First Volume of the Annals of Congress.

### ***Origins & Development of the United States Senate***

[http://www.senate.gov/pagelayout/history/g\\_three\\_sections\\_with\\_teasers/origins.htm](http://www.senate.gov/pagelayout/history/g_three_sections_with_teasers/origins.htm)

The framers of the United States Constitution deliberated at length over the Senate's role in the new federal government. Since that time, the Senate has evolved into a complex legislative body, while remaining true to its constitutional origins.

### ***Our American Government***

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106\\_cong\\_documents&docid=f:hd216.106](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_documents&docid=f:hd216.106)

Continues to be a popular introductory guide for anyone seeking a greater understanding of our heritage of democracy. The question-and-answer format covers a broad range of topics dealing with the branches of government, the electoral process and the role of political parties.

### ***The Records of the Federal Convention of 1787***

<http://memory.loc.gov/ammem/amlaw/lwfr.html>

One of the great scholarly works of the early twentieth century was Max Farrand's The Records of the Federal Convention of 1787. Published in 1911, Farrand's work gathered the documentary records of the Constitutional Convention into four volumes, three of which are included here.

### ***Rights of the People: Individual Freedom and the Bill of Rights***

<http://usinfo.state.gov/products/pubs/rightsof/>

The new constitution provided a blueprint for how the national government would function, but it did not contain a section specifically outlining the rights of individual citizens. A public debate quickly arose, leading to the Bill of Rights.

### ***Understanding Our Constitution***

<http://www.constitutioncenter.org/explore/ThreePerspectivesontheConstitution/UnderstandingOurConstitution.shtml>

Signed in Independence Hall on September 17, 1787, the Constitution is a truly remarkable means to advance the premises of the Republic stated eloquently in 1776 in the Declaration of Independence. A great Chief Justice once said, "the Declaration is the promise, the Constitution, its fulfillment," and nothing could be truer.

## Articles / Artículos

**Anderson, Kenneth. "Foreign Law and the U.S. Constitution." *Policy Review* (June-July, 2005) p.33-51.**

Justice Anthony Kennedy's majority opinion in *Roper v. Simmons*, which endorsed the use of foreign and international law in U.S. constitutional adjudication, has at least the virtue of putting everyone's cards on the table. Until that decision was handed down (on March 1, 2005), it remained possible to view the appearance of foreign law in constitutional decisions as nothing more than a minor hobbyhorse for Justice Stephen Breyer or Justice Kennedy, a merely rhetorical nod in the direction of the mostly Western European judges with whom they have become friends at international judicial conferences and other such venues over the years.

**Bramwell, Austin. "Against Originalism: Getting Over the U.S. Constitution." *Critical Review*, vol. 16 (Fall, 2004) p.431-454.**

In *Restoring the Lost Constitution*, Randy Barnett defends the idea that judges should interpret the U.S. Constitution according to its original public meaning, for in his view, rightly understood, it satisfies the appropriate normative criterion for determining when a constitution is legitimate and should be followed. As it turns out, however, even if the Constitution did mean what Barnett says it does, it would not meet his criterion of legitimacy, and therefore should not be followed. Given the lack of a persuasive reason to follow the original Constitution consistently, judges must turn to sources of authority other than the Constitution in deciding constitutional cases.

**Levinson, Sanford. "Looking Abroad When Interpreting the U.S. Constitution: Some Reflections." *Texas International Law Journal*, vol. 39 (Spring, 2004) p.353-366.**

Takes up the fervid debate of whether or not the U.S. Supreme Court should commit itself to comparative constitutional law, namely in discussing and citing judgments of foreign courts. Fueled by Justice Scalia's dissent in the *Lawrence v. Texas* judgment of June, 2003, Levinson makes no secret of his view that he is "no fan of Justice Scalia" and finds "his militant provincialism embarrassing." However, Levinson subscribes to Scalia's view that the practices of foreign nations will not be of help for U.S. judges, since their nations of justice are different.

**Henkin, Louis. "The Universal Declaration and the U.S. Constitution." *Political Science & Politics*, vol. 31 (September, 1998) p.512-516.**

The Universal Declaration of Human Rights has been acclaimed as perhaps the most important international document of the 20th century. It established human rights as the idea of our times. It is commonly recognized as the birth certificate of the International Human Rights Movement, marking and confirming the new international concern with human rights. It has been the basis for the contemporary international law of human rights, the source of two international human rights covenants and other conventions, and of a customary law of human rights. In what is perhaps its most significant contribution, it has inspired and promoted "constitutionalism" and respect for human rights in national societies around the world.

## Books / Libros en el Centro de Recursos Informativos

Storing, Herbert J. *The Anti-Federalist*. Chicago: University of Chicago Press, 1985.

Corwin, Edward Samuel, 1878-1963. *La constitución de los Estados Unidos y su significado actual*. Buenos Aires, Argentina: Fraterna, 1987.

*The Constitution of the United States of America: Analysis and Interpretation*. Washington DC: USGPO.

Mitchell, Ralph. *Congressional Quarterly's Guide to the U.S. Constitution: History, Text, Glossary, Index*. Washington, DC: Congressional Quarterly, 1986.

Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*. Washington, DC: Congressional Quarterly, 1990.  
Basic, comprehensive guide to the nation's highest court.

*Encyclopedia of the American Constitution*. New York: Macmillan, 1986.

*El federalista*. México: Fondo de Cultura Económica, 1957.  
Los 85 ensayos que Alexander Hamilton, James Madison y John Jay escribieron en apoyo de la Constitución estadounidense.

Hay, Peter. *Una introducción al derecho de los Estados Unidos*. Salem, NH: Butterworth Legal Pubs., 1992.

*The Oxford Guide to United States Supreme Court Decisions*. New York: Oxford University Press, 1999.  
Analyzes individually the 440 most important cases in the Court's history, shedding light on the evolution of constitutional law.

## Organizations / Organizaciones

### **Academics for the Second Amendment**

<http://www.aaanet.org/assembly.htm>

Law school professors, historians, political scientists, government philosophers, and individuals supporting the right to keep and bear arms, as granted by the second amendment of the U.S. Constitution.

### **Alliance for America**

<http://www.allianceforamerica.org>

Protects the constitution, property rights, humans, and the environment, focusing on preserving natural resources and the natural beauty of the environment without destroying the lives of the people closest to it.

### **American Civil Liberties Union**

<http://www.aclu.org>

Defends individual rights guaranteed by the Constitution through litigation, legislative lobbying, and public education.

### **American Sons of Liberty**

<http://www.americansonsofliberty.com/>

Politically conservative individuals seeking to defend the U.S. Constitution. Concentrate efforts on the right to keep and bear arms.

### **Center for Constitutional Rights**

<http://www.ccr-ny.org>

Legal and educational organization dedicated to advancing and protecting the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. Committed to the creative use of law as a positive force for social change.

### **Civilian Congress**

Nonprofit correspondence network of scholars, writers, journalists, politicians, lawyers, and students. Educates U.S. and foreign citizens on the separation-of-powers doctrine of the U.S. Constitution. Maintains collection of legal opinions, lawsuits, books, articles, and correspondence relating to the incompatibility-of-offices clause of the U.S. Constitution.

### **Commission on Civil Rights**

<http://www.usccr.gov>

Established to investigate sworn allegations that citizens are being deprived of their right to vote by reason of their color, race, age, disability, religion, sex, or national origin; to study and collect information concerning denial of equal protection of the laws under the Constitution; to serve as a national clearinghouse for civil rights information; and to submit reports, findings, and recommendations to the President and Congress of the United States.

### **Committee on the Constitutional System**

Former government officials, members of Congress, academicians, and others interested in discussing ways to improve governmental performance, including legislation, party rules, and structural amendments to the U.S. Constitution.

### **Committee to Restore the Constitution**

<http://www.webaccess.net/~comminc/>

Individuals united for motivating citizens to act within authority of the Constitution to restore interest-free money, repudiate unpayable national debt, eliminate federal deficits, organize conscientious citizens in patriotic action centers, motivate elected officials at county and state levels of government to correct excesses of federal agents, end the fraud it claims is being perpetuated by the Federal Reserve System, and "restore and defend the basic principles embodied in the Constitution of the United States."

### **Constitution Society**

<http://www.constitution.org>

Dedicated to research and public education on the principles of constitutional republican government. Publishes documentation, engages in litigation and organizes local citizens groups to work for reform.

### **Constitutional Rights Foundation**

<http://www.crf-usa.org>

Helps young people to better understand the workings of the democratic system and encourages them to undertake a positive role in society. Strives to empower a new generation of engaged citizens, urging them to familiarize themselves with the substance of our Constitution and civil institutions. Mentoring programs, professional internships, leadership development, community problem solving, teacher training and educational materials highlight some of the ways in which it works to lead young citizens toward a future based on democratic values and responsible action.

### **Constitutionists Networking Center**

<http://www.idir.net/~cnc/>

Leaders of national organizations, judges, and legislators seek to return the U.S. government to the limits prescribed by the Constitution by providing leadership for and communications between persons who subscribe to the organization's goals.

### **Federalist Society for Law and Public Policy Studies**

<http://www.fed-soc.org>

Conservative and libertarian lawyers, law students, law school faculty, and individuals interested in the current state of the legal order seek to bring about a reordering of priorities within the U.S. legal system that will emphasize individual liberty, traditional values, and the rule of law; restore recognition of these priorities among lawyers, judges, law students, and professors. Believe that the state exists to preserve freedom, and that the separation of powers is central to our Constitution.

### **First Amendment Foundation**

<http://firstamend.org>

Seeks to protect the rights of free expression for individuals and organizations.

### **Freedom Forum First Amendment Center**

<http://www.freedomforum.org>

Independent, nonprofit organization (affiliated with The Freedom Forum and the Vanderbilt Institute of Public Policy Studies at Vanderbilt University) researches First Amendment rights and values, including freedom of religion, free speech and press, and the right to petition government and to assemble peacefully.

### **Fund for Constitutional Government**

<http://www.epic.org/fcg>

Publicly-supported foundation that seeks to expose and correct corruption, illegal activities, or lack of accountability in the federal government. Conducts research, public education, and litigation in cases with a large public impact, of precedent-setting value, and which, if rectified, will help preserve an open and accountable government.

### **Jefferson Foundation**

<http://www.jeffersonfoundation.org/>

Participants conduct nonpartisan research and citizen education on constitutional reforms designed to improve government structure and functioning. Sponsors Jefferson Meetings on the Constitution, a series of citizen debates.



### **The Media Institute**

<http://www.mediainstitute.org>

Conducts research on First Amendment issues, communications policy-making, commercial speech, new media technology, developing media, and excellence in journalism.

### **National Center for Constitutional Studies**

<http://www.nccs.net>

Researches, develops, and produces programs that teach constitutional principles in the tradition of the Founding Fathers. Believes in a strict interpretation of the Constitution whereby states' rights are not denied by the evolution of a strong central government.

### **National Victims' Constitutional Amendment Network**

<http://www.nvcan.org>

Works to support an amendment to the U.S. Constitution to provide rights of innocent victims of crime.

### **Third Continental Congress**

<http://3rdcontinentalcongress.org>

Promotes the restoration of a limited constitutional government in the U.S. based on the principles of the Founding Fathers and on observance and execution of the Bill of Rights to the exclusion of all subsequent amendments to the Constitution.

### **Thomas Jefferson Center for the Protection of Free Expression**

<http://www.tjcenter.org/>

Independent, nonprofit organization affiliated with University of Virginia Law School. Conducts research on the First Amendment, free speech, and freedom of the press.

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El Centro de Recursos Informativos (IRC por sus siglas en inglés: Information Resources Center), establecido para apoyar los programas de la Embajada de Estados Unidos de América, brinda información actualizada sobre Estados Unidos en las áreas de interés bilateral, como son: economía y comercio, corrupción, lavado de dinero, democracia y derechos humanos, drogas y narcotráfico, extradición, propiedad intelectual, terrorismo, ambiente. Por medio de la página en la internet, se ofrece acceso a legislación, política exterior, a miles de oficinas del gobierno y otras instituciones estadounidenses. Nuestro público se compone de oficinas gubernamentales, medios de comunicación, académicos, profesionales, investigadores y organizaciones no gubernamentales.